

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH S. BARONE,

Plaintiff,

NOTICE OF MOTION

-against-

1:21-cv-131

THE LAWYERS' FUND, and
SUPREME COURT OF NEW YORK, APPELLATE
DIVISION THIRD DEPARTMENT,

(GTS/TWD)

Defendants.

PLEASE TAKE NOTICE that, upon the Complaint filed February 5, 2021, the accompanying declaration of Michael Knight with exhibit attached thereto, the accompanying Declaration of Sean Morton with exhibit attached thereto, the accompanying Declaration of Keith Starlin with exhibits attached thereto, the accompanying Declaration of Danny McDonald and Memorandum of Law in Support of the Motion To Dismiss dated April 30, 2021 on behalf of Defendants The Lawyers' Fund for Client Protection of the State of New York (sued herein as "The Lawyers' Fund") and the State of New York Supreme Court, Appellate Division, Third Judicial Department (sued herein as "Supreme Court of New York, Appellate Division Third Department"), and upon all other papers by and between the parties to this action, on a date and time to be determined by the Court, on submission of the papers, will make a motion at the United States District Court, Northern District of New York, Syracuse, New York, for an order and judgment pursuant to Rule 12(b)(1), Rule 12(b)(2), 12(b)(5) and/or Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety, with prejudice, together with such other and further relief as to the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7.1 of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with the Court and served upon counsel for the defendants no later than twenty-one (21) days after service of this motion.

Dated: Albany, New York
April 30, 2021

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